<div align="center">REMARKS</div>

Claims 1-22 are currently pending in the subject application and are presently under consideration. Claims 1, 17 and 20-22 have been amended as shown on pp. 3-5 of the Reply. Additionally, the Specification has been amended as shown on p. 2.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Objection to Claim 1

Claim 1 is objected to because of the following informalities. Claim 1 recites "a attribute debugging." It is respectfully requested that this objection be withdrawn for the following reasons. The subject claim has been amended in accordance with Examiner's helpful suggestion. Therefore, this objection should be withdrawn.

II.   Objection to Claim 20

Claim 20 is objected to because of the following informalities. Claim 20 recites, "information associated debugging." It is respectfully submitted that this objection be withdrawn for the following reasons. The subject claim has been amended in accordance with Examiner's helpful suggestion. Thus, this objection should be withdrawn.

III.   Rejection of Claims 1-20 Under 35 U.S.C. §101

Claims 1-20 stands rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. Claims 1, 17 and 20 produce a useful, concrete and tangible result.

> Because the claimed process applies the Boolean principle [abstract idea] *to produce a useful, concrete, tangible result* ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis added); *See State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the

> claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been *reduced to some practical application rendering it "useful."* *AT&T* at 1357 *citing In re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (emphasis added).

The Examiner contends that claims 1, 17 and 20 fail to fall within a statutory category of invention and are therefore not patentable. Applicants' representative respectfully disagrees with such contentions. According to *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 (Fed. Cir. 1999), the standard set forth by the Federal Circuit for determining whether claims are directed towards statutory subject matter is whether the claims as a whole can be applied in a practical application to *produce a useful, concrete and tangible result*. It is the result of the claims as applied in a practical application that is germane to the determination of whether the claims are directed towards statutory subject matter. Specifically, independent claim 1 (and similarly independent claims 17 and 20) recites *an expression evaluator that employs an attribute associated with the computer software application to present debug information associated with the computer software application to a developer*. Thus, claims 1, 17 and 20 elicit a series of independent acts that culminates in a useful, concrete and tangible result – the employing of an attribute to present debug information associated with the computer software application to a developer. Furthermore, independent claims 1, 17 and 20 have been amended to recite a computer-implemented system and method, and a data packet stored on a computer readable medium.

Applicants' representative also reminds Examiner that claims 1, 17 and 20, if evaluated as pertaining to software code, are still patentable in light of recent Federal Circuit opinion in *Eolas Techs., Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1338 (Fed. Cir. 2005), wherein the court stated:

> Title 35, section 101, explains that an invention includes 'any new and useful process, machine, manufacture or composition of matter.' Without question, *software code alone* qualifies as an invention eligible for patenting under these categories, at least as processes. (emphasis added) (citations omitted).

Thus, claims 1, 17 and 20, if viewed as software code as alleged by the Examiner, undeniably fall within the bounds of this holding since software code alone is patentable.

Accordingly, claims 1, 17 and 20 are eligible for patenting under 35 U.S.C. §101. For at least these reasons, it is respectfully requested that rejection of these claims, as well as claims 2-16 and 18-19, which depend therefrom, be withdrawn.

IV.   Rejection of Claims 1, 7, 13-17 and 19-22 Under 35 U.S.C. §102(e)

Claims 1, 7, 13-17 and 19-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bates *et al.* (U.S. 2003/0221185). It is respectfully submitted that this rejection be withdrawn for at least the following reason. Bates *et al.* does not disclose or suggest each and every element of the subject claim.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the … claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants' claimed subject matter relates to a system and method for facilitating attributed debugging. Attributes are keyword-like tags that specify information about entities within a programming language; also, attributed debugging allows an author to manipulate the view of data in the debugger (*See* pg. 2, ll. 30-31). In particular, independent claim 1 (and similarly claims 17, 20, 21 and 22) recites *the debug information is presented in a developer-customizable format*. Bates *et al.* fails to disclose or suggest such claimed aspects.

Rather, Bates *et al.* relates to a method and apparatus for debugging code. Information relating to variables can be displayed on a screen, and a text box 710 can display information relating to the variable. However, the cited reference is silent with regard to allowing a developer to customize the display of information. Instead, Bates *et*

al. provides no flexibility to the user, who must conform to a predetermined display format. Therefore, Bates *et al.* does not disclose or suggest *the debug information is presented in a developer-customizable format*, as recited in independent claim 1 (and similarly independent claims 17, 20, 21 and 22).

In view of the foregoing, it is readily apparent that the cited reference fails to disclose or suggest each and every element of the applicants' claimed subject matter. Accordingly, this rejection should be withdrawn.

V.   Rejection of Claims 5, 6 and 18 Under 35 U.S.C. §103(a)

Claims 5, 6 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bates *et al.* (U.S. 2003/0221185). Withdrawal of this rejection is requested for at least the following reasons. Claims 5 and 6 depend from independent claim 1, and claim 18 depends from independent claim 17. As mentioned *supra*, Bates *et al.* fails to disclose or suggest the claimed aspects recited in independent claims 1 and 17. Accordingly, this rejection should be withdrawn.

VI.   Rejection of Claims 2-4 and 8-12 Under 35 U.S.C. §103(a)

Claims 2-4, and 8-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bates *et al.* in view of Dandoy (U.S. 2004/0230954). This rejection should be withdrawn for at least the following reasons. Claims 2-4 and 8-12 depend from independent claim 1, and Dandoy does not remedy the deficiencies of Bates *et al.* with respect to independent claim 1. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP578US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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